

CITY COUNCIL MEETING

Tuesday, December 15, 2009

Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Tom Armstrong on Tuesday, December 15, 2009 at 5:30 P.M. at the Grimes City Hall.

Roll Call: Present: Evans, Grove, Patterson, Grove, Long Absent, Altringer

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

Moved by Long, Seconded by Evans; the agenda shall be approved with the removal

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

APPROVAL OF CONSENT AGENDA

A. Minutes from the November 24, 2009 B. Change Order No., 4 to Reilly Construction for the South James Street Improvement Increasing \$29 C. Pay Application to Reilly Construction for the South James Street Improvement Project in the amount of \$86,700.74 D. Approve Condemnation of Davis Property at 720 E 1st Street for IA 44 Right-Of-Way E. Approve Des Moines Area MPO Representation for 2010 1. MPO Primary Representative – Mayor Tom Armstrong 2. MPO Alternate Representative – Kelley Brown 3. MPO TTC Primary Representative – John Gade 4. MPO TTC Alternate Representative – Jerry Byg F. Change Order No. 1 for Grimes Trail Project to Howrey Construction increasing \$2,604.68 G. Change Order No. 2 for Grimes Trail Projects to Howrey Construction increasing \$850 H. Pay Request No. 2 for Grimes Trail Project to Howrey Construction in the amount of \$28,967.53 I. Pay Request No. 1 to Priority Excavating for the NE Edgewood Dr. & SE Grimes Blvd Water Main Extension in the amount of \$148,444.10 J. Change Order #2 for the Water System Standpipe Painting to W.S. Bunch Co. Decreasing \$12,650 K. Certificate of Substantial Completion for the Water System Standpipe Painting by W.S. Bunch Company L. Payment No. 2 for the Water System Standpipe Painting by W.S. Bunch Company \$93,390.04 M. Allocate \$10,000 for Grimes Community Center TIF to Remodel Grimes Community Center Room #102 & #104 N. Grimes Community Center Banquet Hall Rates -O. Authorizing Condemnation of Brookview Partnership and Casey's Easements for IA 44 Project P. Public Easement for Hwy 44 Q. Pay Request No. 1 to Premier Construction for the Grimes Concession Stand \$32,380 R. Finance Report for November- S. Claims Date December 15, 2009 \$1,352,675.06, and 107,978.75.

Moved by Long, Seconded by Evans; the consent agenda shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

Nov-09

Funds	Beg Balance	Receipts	Expenses	Ending Balance
General Fund	2,171,773.68	728,055.76	541,568.91	2,358,260.53
Special Revenue Fund	879,264.47	348,807.08	10,402.36	1,217,669.19

Debt Service	1,613,204.53	278,413.87	0.00	1,891,618.40
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Capital Improvements	4,307,386.97	10,788,104.76	1,129,921.77	5,350,796.02
Enterprise Fund	2,990,811.00	262,851.57	140,639.73	3,113,022.84
Total	3,347,666.71	12,406,233.04	1,822,532.77	13,931,366.98

FIRE CHIEF REPORT

Fire Chief Krohse was unable to attend the meeting.

PATROL REPORT

Deputy Haik and Deputy Pilch were present from Polk County Sheriff's Department to update the Council. The Deputy's advised that while the snow ordinance was in effect several cars had been fined and impounded and he wanted to remind residents of the snow ordinance. Council Member Long asked how many cars had received citations. Council Member Evans stated that when cars were pulled over along Hwy 141 and South 11th Street they were causing a sight barrier to oncoming traffic. Polk County advised that they would be more aware of this issue.

PUBLIC AGENDA ITEMS AND COUNCIL ACTIONS

A Public Hearing and Approval of Resolution 12-0109 General Obligation Economic Development Loan Agreement in a Principal Amount Not To Exceed \$350,000

Mayor Armstrong opened the Public Hearing at 5:35 p.m. regarding Resolution 12-0109 General Obligation Economic Development Loan Agreement in a Principal Amount not to Exceed \$350,000. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:35 p.m.

Mayor Armstrong advised that this development agreement would be between the City of Grimes and the Norfolk Southern Corporation referred to as The Iowa Interstate Railroad, LTD (IAIS) as part of an agreement to abandon the lines north of SE 19th Street. The City has agreed to move the turn around south of SE 37th Street, south of Beisser Lumber. Mayor Armstrong advised that this would eliminate seven crossings. He advised that they would be 1st through 6th Street, S 11th Street and 19th Street crossings. The City will pay IAIS a sum of \$300,000 in 6 annual payments. Council Member Long advised that the City will be saving money by not having to pay for the right of way when work is done on Hwy 44. Mayor Armstrong went on to say that Hwy 44 would have required putting in a signal plus cross arms which would be around \$400,000.

Moved by Grove, Seconded by Long; Resolution 12-0109 General Obligation Economic Development Loan Agreement in a Principal Amount Not To Exceed \$350,000 shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

B. Public Hearing and First Reading of Ordinance #577 An Ordinance Eliminating The Grimes Code Of Ordinance Chapter 124 Licensing Of Electricians

Mayor Armstrong opened the Public Hearing at 5:40 p.m. regarding Ordinance #577 an Ordinance eliminating the Grimes Code of Ordinance Chapter 124 Licensing of Electricians. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:41 p.m.

Mayor Armstrong advised that the State of Iowa has taken over the licensing of electricians and so this Chapter has become redundant. Council Member Long asked how we would know if these contractors are licensed. Public Works Director Joe McAreavy stated that contractors are required to pull a permit to do work and must have a copy of their state license on file with the City. Council Member Patterson asked if anyone on the Council would object to waiving the second and third readings and moving this ordinance on. No objection was made by the Council.

Moved by Patterson, Seconded by Grove; the First Reading of Ordinance #577 an Ordinance Eliminating The Grime Code Of Ordinance Chapter 124 Licensing of Electricians shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

Moved by Patterson, Seconded by Grove; the Second and Third Reading of Ordinance #577 an Ordinance Eliminating The Grimes Code Of Ordinance Chapter 124 Licensing of Electricians shall be waived.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

Moved by Patterson, Seconded by Grove; Ordinance #577 an Ordinance Eliminating The Grime Code Of Ordinance Chapter 124 Licensing of Electricians shall now pass.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

C. Public Hearing and First Reading of Ordinance #578 An Ordinance Amending The Grimes Code Of Ordinances Chapter 158 Electrical Code

Mayor Armstrong opened the Public Hearing at 5:43 p.m. regarding Ordinance #578 an Ordinance Amending The Grimes Code Of Ordinances Chapter 158 Electrical Code. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:41 p.m.

Public Works Director Joe McAreavy advised that this Ordinance provided for clarification and cleared up some conflict with the State Licensing and provided for a flat fee structure.

Moved by Grove, Seconded Patterson; the First Reading of Ordinance #578 An Ordinance Amending The Grimes Code Of Ordinance Chapter 158 Electrical Code shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

Moved by Grove, Seconded by Patterson; the Second and Third Readings of Ordinance #578 An Ordinance Amending The Grimes Code Of Ordinance Chapter 158 Electrical Code shall be waived.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

Moved by Grove, Seconded by Patterson; Ordinance #578 An Ordinance Amending The Grimes Code Of Ordinance Chapter 158 Electrical Code shall be now pass.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

D. Public Hearing and First Reading of Ordinance #579 An Ordinance Amending The Grimes Code of Ordinances Chapter 125 Licensing Of Plumbers To Add A State Issued License Option

Mayor Armstrong opened the Public Hearing at 5:45 p.m. regarding Ordinance #579 an Ordinance Amending The Grime Code of Ordinance Chapter 125 Licensing Of Plumbers To add A State Issued License Option. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:45 p.m.

Public Works Director Joe McAreavy advised that the state is now issuing state licenses for plumbers. McAreavy stated that with this change there would no longer be a bond required, waive licensing fees for those with a state license and institute flat fees.

Moved by Patterson, Seconded by Long; the First Reading for Ordinance #579 An Ordinance Amending The Grimes Code of Ordinance Chapter 125 Licensing Of Plumbers To Add A State Issued License Option shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

Moved by Patterson, Seconded by Long; the Second and Third Readings of Ordinance #579 An Ordinance Amending The Grimes Code of Ordinance Chapter 125 Licensing Of Plumbers To Add A State Issue License Option shall be waived.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

Moved by Patterson, Seconded by Long; Ordinance #579 An Ordinance Amending The Grimes Code of Ordinance Chapter 125 Licensing Of Plumbers To Add A State Issue License Option shall now pass.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

E. Public Hearing and First Reading Of Ordinance #580 An Ordinance Amending The Grimes Code Of Ordinances Chapter 155 Plumbing Code To Add A Flat Fee For Services

Mayor Armstrong opened the Public Hearing at 5:48 p.m. regarding Ordinance #580 An Ordinance Amending The Grimes Code Of Ordinances Chapter 155 Plumbing Code To Add A Flat Fee For Services. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:48 p.m.

Public Works Director Joe McAreavy advised that this would change fees from itemizing to a flat fee schedule.

Moved by Long, Seconded by Evans; the First Reading of Ordinance #580 An Ordinance Amending The Grimes Code Of Ordinance Chapter 155 Plumbing Code To Add A Flat Fee For Services shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0.

Moved by Long, Seconded by Evans; the Second and Third Readings of Ordinance #580 An Ordinance Amending The Grimes Code Of Ordinance Chapter 155 Plumbing Code To Add A Flat Fee For Services shall be waived.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0

Moved by Long, Seconded by Evans; Ordinance #580 An Ordinance Amending The Grimes Code Of Ordinance Chapter 155 Plumbing Code To Add A Flat Fee For Services shall now pass.

Roll Call: Ayes: All Nays: None. Motion passes: 4-0

Council Member Altringer arrives at 5:51 p.m.

F. Public Hearing and First Reading Of Ordinance #581 An Ordinance Amending The Grimes Code Of Ordinances Chapter 157 Mechanical Code To Add A Flat Fee For Services

Mayor Armstrong opened the Public Hearing at 5:51 p.m. regarding Ordinance #581 An Ordinance Amending The Grimes Code Of Ordinance Chapter 157 Mechanical Code To Add A Flat Fee For Services. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:51 p.m.

Public Works Director Joe McAreavy advised that this would add flat fee for services.

Moved by Long, Seconded by Grove; the First Reading of Ordinance #581 An Ordinance Amending The Grimes Code Of Ordinance Chapter 157 Mechanical Code To Add A Flat Fee For Services shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

Moved by Long, Seconded by Grove; the Second and Third Readings of Ordinance #581 An Ordinance Amending The Grimes Code Of Ordinance Chapter 157 Mechanical Code To Add A Flat Fee For Services shall now pass.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

Moved by Long, Seconded by Grove; Ordinance #581 An Ordinance Amending The Grimes Code Of Ordinance Chapter 157 Mechanical Code To Add A Flat Fee For Services shall now pass.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

G. Public Hearing and First Reading Of Ordinance #582 An Ordinance Amending The Grimes Code Of Ordinances Chapter 15.03 Mayor Appointments, 17.05 Council Appointments, 17.07 Department and Organizations Of Interest To The City Liaisons, 24.01 Planning And Zoning Commission, Chapter 25.02 Park & Recreation Advisory Board Organization To Change The Mayoral Appointments To Include Members Of The Park & Recreation Advisory Board, Public Health And Safety Advisory Board, Planning And Zoning Commission & Council Liaisons.

Mayor Armstrong opened the Public Hearing at 5:55 p.m. regarding Ordinance #582 An Ordinance Amending The Grimes Code Of Ordinances Chapter 15.03 Mayor Appointments, 17.05 Council Appointments, 17.07 Department and Organizations Of Interest To The City Liaisons, 24.01 Planning And Zoning Commission, Chapter 25.02 Park & Recreation Advisory Board Organization To Change The Mayoral Appointments To Include Members Of The Park & Recreation Advisory Board, Public Health And Safety Advisory Board, Planning And Zoning Commission & Council Liaisons. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:56 p.m.

Mayor Armstrong advised that this Ordinance was at the request of Council Member Grove to reinstate this authority back to the Mayor.

Moved by Patterson, Seconded by Evan; the First Reading of Ordinance #582 An Ordinance Amending The Grimes Code Of Ordinances Chapter 15.03 Mayor Appointments shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

H. Public Hearing and First Reading of Ordinance #583 An Ordinance Adding Chapter 26 Public Health And Safety Advisory Board

Mayor Armstrong opened the Public Hearing at 5:57 p.m. regarding Ordinance #583 An Ordinance Adding Chapter 26 Public Health And Safety Advisory Board. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:57 p.m. Mayor Armstrong stated this board brings the police and fire departments under an advisory board.

Moved by Long, Seconded by Altringer; the First Reading of Ordinance #583 An Ordinance Adding Chapter 26 Public Health And Safety Advisory Board shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

Moved by Long, Seconded by Altringer; the Second and Third Reading of Ordinance #583 An Ordinance Adding Chapter 26 Public Health and Safety Advisory Board shall be waived.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

Moved by Long, Seconded by Altringer; Ordinance #583 An Ordinance Adding Chapter 26 Public Health and Safety Advisory Board shall now pass.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

I. Public Hearing and First Reading Of Ordinance #584 An Ordinance Amending The Grimes Official Zoning Map, Pursuant To The Code Of Ordinances Section 165.05 By Changing The Zoning Of The Below Described Property Owned By Community business Lenders, This Ordinance Shall Rezone Approximately 3.771 Acres from R2-70 (Lots On The West Of Keystone Drive) And R3 (Lots On The East Side Of Keystone Drive) To R2-60. The Property Is Generally Located North Of SE 37th along Keystone Drive

Mayor Armstrong opened the Public Hearing at 6:00 p.m. regarding Ordinance #584 An Ordinance Amending The Grimes Official Zoning Map, Pursuant To The Code Of Ordinances Section 165.05. City Administrator Brown advised the Council that written consents were received from Cosgriff Development, Community Business Lenders, Jerry's Homes, and Johnson Land Co. Mayor Armstrong closed the Public Hearing at 6:01 p.m.

Kevin Crawford of Cooper Crawford and Associates, LLC, 475 S 50th Street, Suite 800, West Des Moines, Iowa representing Community Business Lenders was present to address the Council. Crawford advised that this property had been platted for duplex units and these units have not sold well. He advised that the bank has this property back and they prefer to have this property back to an R2-60 to allow for 16 single family homes. Crawford also stated that he had worked with City staff regarding water service lines for this area. City Engineer John Gade that rezone is in compliance with land use policy plan, low density residential. He advised the Planning and Zoning had reviewed this request and were in favor.

Moved by Patterson Seconded by Evans; the First Reading of Ordinance #584 An Ordinance Amending The Grimes Official Zoning Map, Pursuant To The Code Ordinances Section 165.05 shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

Moved by Patterson Seconded by Evans; the Second and Third Reading of Ordinance #584 An Ordinance Amending The Grimes Official Zoning Map, Pursuant To The Code Ordinances Section 165.05 shall be waived.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

Moved by Patterson Seconded by Evans; Ordinance #584 An Ordinance Amending The Grimes Official Zoning Map, Pursuant To The Code Ordinances Section 165.05 shall now pass.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

J. Approval of Final Plat for Glenstone Trail Plat 7

Kevin Crawford of Cooper Crawford and Associates, LLC, 475 S 50th Street, Suite 800, West Des Moines, Iowa representing Community Business Lenders advised that this was a request for a rezone to allow the development of 16 single family home lots. City Engineer Gade advised that this final plat had been reviewed by the City Attorney and recommended approval.

Moved by Patterson Seconded by Evans; the Final Plat for Glenstone Trail Plat 7 shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

K. Public Hearing and First Reading of Ordinance #585 Post-Construction Stormwater Runoff Control Ordinance

Mayor Armstrong opened the Public Hearing at 6:08 p.m. regarding Ordinance #585 Post-Construction Stormwater Runoff Control Ordinance There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 6:08 p.m.

City Engineer Gade advised that as part of a MS4 Permit we are required to pass an ordinance of this nature. Gade stated that the following four requirement needed to be met: minimize increase in stormwater runoff from a development, minimize increase in nonpoint source pollution caused by stormwater runoff from a development, minimize the total annual volume of surface water runoff which flow from any specific development project site, and reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution. Gade stated that the new Walmart already meets these guidelines.

Gade went on to state that any community that discharges into the Greater Des Moines watershed is required to obtain a MS4 Permit. Council Member Grove asked who would enforce this Ordinance. City Engineer Gade advised that the City would be responsible. Gade stated in the past when the City approve a site plan the City relied on the developer and know the City will be required to go on to the site and do annual observations of those detention ponds and discharge points. Gade stated that the owners of these properties would have to sign easement documents stating what their responsibilities were and if they do not meet these requirements, there would be language on the City's action abilities. Council Member Grove questioned what would happen in the event that the property owner abandons the property at some point. Gade agreed that this could be a concern that the City will have to oversee. Council Member Altringer asked for a timeline on this Ordinance. City Attorney Gade stated that this was to be done last year. He advised that he wanted to be in line with what other communities were doing. Council Member Long stated that he hoped that we would do a good job of letting the developers know about this new requirement.

Moved by Long, Seconded Patterson; the First Reading of Ordinance #585 Post-Construction Stormwater Runoff Control Ordinance shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0

L. Employment Contract between the City of Grimes and Kelley Brown as City Administrator for the term 2010-2012.

Mayor Armstrong and Council Member Altringer had put together a review of City Administrator Kelley Brown along with input from Council Members. Council Member Altringer gave an overview of this review with many positive comments. The Council applauded Brown's commitment to the budget and the CIP. The Council would like to see Brown become more involved in the metro area groups and look for better ways to improve communications with the citizens and market all of the positive things that the City is accomplishing. Council Member Long stated that he felt that City Administrator Brown has always done an excellent job and is excellent with the budget. He stated that she has helped him with understanding the budget. Council Member Long made the following statement that Brown lets the Council think that they run the City, as the Council sets policy, but the Council doesn't really run the City, Brown does, and she does an excellent job. Council Member Long went on to state that the City staff does an excellent job with a very lean staff. He added that we get a lot for our money.

Moved by Long, Second by Patterson; the employment contract between the City of Grimes and Kelley Brown as City Administrator for the term 2010-2012 shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

A. PUBLIC FORUM

Brian Bueth of Grimes Chamber and Economic Development wanted to thank all of the City Council, Mayor and especially to Mike Grove and Ron Long for their time to the City.

COUNCIL DISCUSSIONS.

1. Mayor's Report

Mayor Armstrong wished both of the outgoing Council Members well and thanked them for all their work. Mayor Armstrong made the following appointments to boards: Metro Waste Authority: Tom Armstrong, Alternate Ron Long, Reappointment of the following: Planning and Zoning – Steve Reneker, Board of Adjustments Dick Pipho, Park and Recreation Lynette Wineland and Kathi Scott and Library Board Kendall Meyer.

Mayor Armstrong asked for approval of the appointments to Planning and Zoning, Park and Recreation, and Board of Adjustment as the Ordinance has not changed at this point.

Moved by Grove to approve the appointments and a vote of confidence to those that were appointed by the Mayor, Seconded by Evans shall be approved.

Roll Call: Ayes: All Nays: None. Motion passes: 5-0.

2. City Attorney's Report

City Attorney Henderson advised that the DART Board would be meeting tonight only for discussion and not to take action on the City's request. Attorney Henderson also stated that he was aware that DART Representatives will be in contact with the City.

Council Member Evans asked to clarify the article that was in the Des Moines Register which stated that DART Officials stated that this had been a surprise to them. Council Member Evans wanted residents to know that the City had worked very hard to communicate with them.

3. City Engineer's Report

City Engineer Gade advised that South James Street is now open.

4. City Staff Report

City Administrator Brown advised that this last week snow removal has been the main objective. She stated that over the next week they will be working on any areas where the snow is piled and may be causing issues to residents.

5. Old Business

6. New Business

Council Member Long addressed the Council. He stated that it had been a pleasure and an honor to work with the Council. He wanted to thank the citizens of Grimes for electing him twice to the Council. Council Member Long quoted the audit report, "Given the climate of the county the City of Grimes stood strong and continues to grow, as always the philosophy of the City Council and City Staff continues to focus on efficiency and quality of service. Good solid management continues to facilitate prudent uses of resources." Council Member Long stated that has always been their goal. He went to state that he has all the confidence in the new Council and will miss being here. Council Member Long thanked everyone for the chance to work with them as it had been a pleasure and honor. Council Member Grove echoed his thoughts. City Administrator Brown stated that in honor of Retired Veterans they were going to do a donation in honor of Ron Long and to the Food Pantry in honor of Mike Grove. City Administrator Brown presented Ron Long and Mike Grove with plaques to show the City's appreciation of their service. City Administrator Brown read an overview of each of the leaving Council Members first year on the Council which will be published in the Grimes Living Magazine. City Administrator Brown thanked Council Member Long and Council Member Grove on her behalf and on behalf of the City and residents. Council Member Long asked to donate the position of adjourning the meetings to Council Member Altringer.

ADJOURNMENT

Moved by Long, Seconded by Altringer; there being no further business, the meeting is adjourned at 6:40 p.m.

Following the meeting the Oath of Office was administered to Mayor Tom Armstrong, Council Member Jill Altringer, incoming Council Member Tom Shatava and Mat Tapper.

ATTEST:

Rochelle Williams, City Clerk

Tom Armstrong, Mayor